

PATENT  
Atty. Dkt. No. WEAT/0033.D3

**IN THE CLAIMS:**

1. – 11. (Cancelled)

12. (Previously Presented) A downhole tool comprising:

a tool member having a two position member movable between an extended and a retracted position, the two position member biased in the extended position by a biasing member; and

an actuating assembly having a restriction member and a diverter member, whereby a suction force is created as a power fluid is pumped through the restriction member and the diverter member, the suction force acting upon the two position member to actuate the tool member.

13. (Previously Presented) The downhole tool of claim 12, wherein the tool member further includes a collet member having at least one finger at an end thereof.

14. (Previously Presented) The downhole tool of claim 13, wherein the collet member is disposed around the two position member.

15. (Previously Presented) The downhole tool of claim 14, wherein the at least one finger is prevented from inward movement when the two position member is in the extended position.

16. (Previously Presented) The downhole tool of claim 14, wherein the at least one finger is prevented from outward movement by the two position member.

17. (Currently Amended) A method of actuating a downhole tool in a wellbore, comprising:

pumping a power fluid through a restriction member to increase the velocity of the power fluid;

creating a suction force below the restriction member; [[and]]

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directing a portion of the suction force toward a two position member in the downhole tool to actuate the downhole tool; and

moving the two position member between an extended position and a retracted position, wherein the two position member is biased in the extended position by a biasing member.

18. (Cancelled)

19. (Currently Amended) The method of claim 17,[[18.]] wherein the downhole tool includes a collet member having at least one finger at an end thereof, the collet member disposed around the two position member.

20. (Currently Amended) The method of claim 19, further comprising restricting the movement of the at least one finger by moving the two position member relative to the collet member.

Please add the following new claims:

21. (New) The downhole tool of claim 12, wherein the biasing member is a spring member.

22. (New) A tool for operating a fluid actuated downhole tool, comprising:  
a body, the body defining a pathway for a downward flow of power fluid from a pipe thereabove;  
a gripping member coupled to the body, the gripping member including a biasing mechanism;  
a restriction portion for increasing the velocity of the power fluid and a return fluid and for creating an area of low pressure therearound; and  
a diverter portion for directing the high velocity power fluid and the return fluid, the area of low pressure operatively acting upon the downhole tool to actuate the downhole tool.

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23. (New) The tool of claim 22, wherein the biasing mechanism is a spring.
24. (New) The tool of claim 22, wherein the biasing mechanism is gravity.
25. (New) The tool of claim 22, wherein the biasing mechanism is stiffness.
26. (New) The tool of claim 22, wherein the gripping member is a collet.
27. (New) The tool of claim 22, wherein the downhole tool includes a slideable member capable of moving between an extended position and a retracted position.
28. (New) The tool of claim 27 wherein the gripping member includes at least one finger at an end thereof, the finger prevented from inward movement by the slideable member when the slideable member is in the extended position.
29. (New) The tool of claim 28 wherein the at least one finger is constructed and arranged to contact a profile formed on an inside surface of a tool member and the finger is insertable into the profile when the slideable member is in the retracted position.
30. (New) The tool of claim 28, wherein the gripping member is operatively connected to the slideable member and the at least one finger is prevented from outward movement by the slideable member.
31. (New) The tool of claim 30, wherein the at least one finger contacts a profile formed in the outside surface of a tool member.